10.V.2

INNOCENCE VINDICATED:

BY

A Brief and Impartial Narrative

OF THE

PROCEEDINGS

OF THE

Court of Sessions

IN

BRISTOL

AGAINST

Ichabod Chauncy, Physitian in that City:

TO HIS

Conviction on the Statute of the 35*th Eliz.* on the 9*th.* of *April*, and to his Abjuration of all the Kings Dominions for ever, *Aug.* 15. 1684.

TOGETHER,

With some Passages Subsequent thereunto.

Published by the said *I. CHAUNCY.*

Prov. 27. 4. *Wrath is cruel, and Anger is outragious, but who can stand before Envy?*

Psal. 9. 9. *The Lord will be a Refuge for the Oppressed, a Refuge in times of Trouble.*

LONDON:

Printed by *George Larkin* at the lower End of *Broad street*, next to *London-Wall.* 1684.

PROCEEDINGS

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BRISTOL

AGAINST

Published by Order of the Court.

Innocence Vindicated, &c.

THough the Law under which I ſuffer, be by far the moſt ſevere of any in *England*, that Reſpects Religious matters, (yea far beyond any that concerns the *Papiſts* as ſuch) yet had not I judged that there had been open Violence offered to ſeveral plain Statutes in the Management of my Proſecution, and bringing me under preſent Circumſtances; and all other Ways and Attempts for Redreſs to my preſent Grievances, rendred utterly ineffectual through the reſtleſs Solicitations, and falſe Repreſentations of my implacable (though cauſeleſs) Adverſaries. I had ſaved both my Self and the World the trouble of this preſent Narrative. But now having no other way left to Vindicate my ſelf; That the World may paſs a right Judgment both of my Perſon and Sufferings, I am fain to give a plain Account, both of the one, and of the other; and leave them to judge of both: Hoping alſo, that hereby his Majeſty may take Occaſion to ſee how much many of his Subjects are abuſed and oppreſſed, by the malicious Proſecutions of ſome inferiour Officers, who proſecute Penal Laws upon them rather to ſatisfie their own Luſts, and perſonal Revenge, then for any true Zeal they have either to Juſtice or Loyalty. And when they have Oppreſſed any by illegal Proceedings, leaſt their unjuſt Practices ſhould be detected, and they ſuffer ſhame for the ſame; (being afraid to be brought to the Light, leaſt their Deeds ſhould be Reproved). The next Deſign is, by Calumnies and falſe Inſinuations, to Render the Perſons of thoſe whom they have injured, as dangerous to the Government, and

only fit to be destroyed; yea to Obstruct and Obviate all possible Attempts, that their Oppressed Adversaries can make for their just Vindication; which they do by frustrating their Endeavours in seeking Justice by Appeals, either by Way-laying them in all their steps, and so hindring their Access unto; or by Præ-occupying the minds of those with Prejudices against them, who only are capable to Vindicate, or do them Right.

These having been the Methods of my chiefest Adversaries; first, by rendring my Person Vile and Contemptible, and then as Dangerous and Disaffected to the Government: And next, by putting a fair Gloss upon their own Proceedings against me, and Obviating all my Applications for a Relief, by Writ of Error and Self-vindication, I am forced in a way of Self-Defence to undertake a double work; First, to give the World an Account of my Person and Principles; and then, of the Beginning as well as Progress of my present Persecution.

As to my civil Profession, I am a Physician, was born of Pious and Generous Parents, of Competent Estate; was bred a Schollar from my Childhood, and (through the Bounty of the Almighty) was never driven to the Straits of taking upon me the mean Employment of a Drummer; (as some of my Adversaries have often scornfully and against Knowledge Reproached me) I have been a Master of Arts almost this thirty years, have been a Licentiate of the Colledge of Physitians in *London*, well towards twenty years; have practised Physick in *Bristol* with considerable Success, and general Acceptation, near this eighteen years; dare Challenge the worst of mine Adversaries, to say, and prove it, wherein I have all this while Acted any thing that looks Disloyal to the King: Yea, I Account it my Duty, to be subject to the Higher Powers, and believe that whosoever resisteth the Power, resisteth the Ordinance of God, and shall receive unto themselves Damnation: and that this Subjection among Christians should not be only for Wrath, but for Conscience sake: And as matter of Duty, and a thing that is good and acceptable in the sight of God; I do dayly heartily pray for the Kings Person, and for all that are in Authority under him; and therefore professe my self an open Enemy to any Plots or Attempts against the Kings Person and Government; and as a Testimony of my Loyalty, am as ready as any of my Adversaries, to give all reasonable Assu-

rance

rance of my Fidelity to the Government, by taking the usual Oaths of Allegiance and Supremacy. And let them also, if they can, testify against me of any Injustice or Unmercifulness toward my Neighbour, or Insobriety and Intemperance towards my self.

And as for my Religion, I own my self a Protestant; and for my Faith, do believe all the Doctrinal Principles Contained in the Articles of the Church of *England*; and as for Worship, have Accomodated the same (as near as I could) to the Rule of Gods Word, and the best Examples of Primitive Saints; and wherein I have in any thing differed from the publick instituted way of Worship, have always laboured to manage my self, with the least Offence imaginable, towards those from whom I have Dissented; avoiding all Censoriousness of others differing from me.

If these things be otherwise, I dare say with *Job*, Chap. 31. 35, 36, 37. *Let my Adversary write it in a Book*, and (if he can) prove the contrary, *&c.*

As to my present Sufferings, in Order to a due Understanding thereof, 'tis needful to Reflect upon the Cause and Occasion, as well as the manner of managing thereof: The internal moving cause thereof, I take to be an implacable Prejudice formed in the mind of Mr. *Romsey* our Town-clark of *Bristol*, against me; occasioned chiefly after this following manner, if I mistake not, (though he had declared before that, some Prejudice against me.) Soon after the breaking out of the late Plot, it became a common Discourse, that all the Kings-Head Club in *London*, were concerned in it; and that the Horse-shooe Club in *Bristol* (so called, because during the time of the last Election of Parliament-men, several Citizens intending to chuse Sir *Robert Atkins* and Sir *Jonathan Knight* Senior, Parliament men for that City, did frequently Assemble there, about that Affair) were a Branch of the same; and that all the said Club should be Indicted, and divers of them sent for up to the Councel-Table; in order to which, divers were convened before our Justices, to be examined about it, among which I was one; when I came before them, among other things they questioned me, what Persons used to meet there? Seeing Mr. *Romsey* Siting by, (and writing Letters as I judged about that matter) I named him for one, who met (though not in the same place yet)

yet) at the *Mare-maid* Tavern, with the ſame Perſons, about the ſame thing, and was as Zealous for Sir *Robert Atkins* as any of them; this is notoriouſly known, and he confeſſed it before he departed the Room.

I Nominated him for one, becauſe I thought it hard and unreaſonable, that he ſhould be a means to bring ſo many ſcores, if not Hundreds, in trouble, (meerly for his own Advantage) in a matter wherein he was equally concerned with them, and knew them all innocent, upon this he was greatly diſpleaſed with me, as ſuppoſing this Diſcovery might threaten his place at that Juncture of time; though I told the Juſtices, that I knew of no unlawful Act committed by the ſaid Club, neither did charge him with any. Howbeit, ever ſince this, he entertained an implacable Prejudice againſt me, and threatned to divers, that he would ſpeedily either caſt me in a Goal, or make me fly the Country. (This I ſuppoſe he will not deny.)

In purſuance whereof, though I ſtood indicted two years before on the ſame 35*th* of *Eliz.* by him, yet the very next Quarter-Seſſions, prefers two more heavy indictments againſt me, at one and the ſame time, either of them enough to ruine me; The one upon the Statute of *Eliz.* 23. for twenty pound a Month for eleven Months: The other on the 35*th Eliz.* on which laſt, for want of any later Crime, he chargeth me for one Committed above four years before the Indictment. And having got the Bills found by the Grand Jury, ſo earneſtly was he bent upon their Proſecution, that he exacts of me Recognizances more than double to what was required of others in the like Caſe, *viz.* 200 *l.* to each of mine; whereas another indicted on the 35*th.* of *Eliz.* was bound but in 80 *l.* --- But becauſe my chief concern lies with this laſt Indictment, which threatens my Eſtate, Liberty, and Life, 'tis moſt reaſonable I ſhould be moſt concerned about the Management thereof againſt me. But 'tis not fit for me to judge, (as being too partial in my own Cauſe) I had rather therefore, that thoſe whoſe part it is, would undertake it on my behalf. But before any true Judgment can paſs for, or againſt me, 'tis needful the Indictment ſhould be produced, which runs after this manner.

Comitat.

Comitat. Civit. Briſtol. THE *Jurors for Our Lord the King, do upon their Oath preſent, That one* Ichabod Chauncy, *late of the City of Briſtol, in the County of the ſaid City, Phyſitian; Who on the third Day of* Auguſt, *in the Thirty firſt Year of the Raign of Our Soveraign Lord* Charles *the Second; by the Grace of God, of* England, Scotland, France *and* Ireland *King*; &c. *Being of the Age of Sixteen Years and upwards, did Obſtinately, willingly, and without any Reaſonable Cauſe, refuſe* accedere (Anglice *to Repair*) *to any Church, Chappel, or uſual Place of Common-Prayers, to hear Divine Service, now Eſtabliſhed by the Laws and Statutes of this Realm of* England. *And as before, from the foreſaid third Day of* Auguſt, *in the Thirty firſt Year aforeſaid, Obſtinately, Voluntarily, and without any Reaſonable Cauſe, Abſtained from Hearing Divine Serviee in any Church, Chappel, or Uſual Place of Common-Prayer; unto the fourteenth Day of* September, *in the Year before-mentioned,* viz. *by the Space of one Month and more, thence next following. And the aforeſaid Jurors upon their Oaths aforeſaid, do further ſay, that the aforeſaid* Ichabod Chauncy, *the ſame fourteenth Day of* September, *in the One and Thirtieth Year aforeſaid, in the Precincts of the Caſtle, within the ſaid City and County of* Briſtol, *in a certain Houſe, was there of himſelf preſent, at an Unlawful Aſſembly, Conventicle or Convention; under Colour and Pretence of the Exerciſe of Religion, againſt the Form of the Statute, in ſuch Caſe made and Provided. And alſo, againſt the Peace of Our Soveraign Lord the King*, &c.

Whether this Indictment be faulty or not in point of Law 'tis not proper for me (who am the Party concerned, and no Lawyer) to determine; but I'll tell the Reader, that the day before my Tryal, 'twas the judgment of a cunning Lawyer, (that pleaded earneſtly againſt me upon it the next day) the firſt letters of whoſe name is Mr. *J. H.* that 'twas ſo illegal and faulty, that 'twas not worth a F--- and that they could not touch an hair of my head by it, and that 'twas not worth a Fee to be quit of ſuch an Indictment; thus he expreſſed himſelf. That which to me ſeems hard in the management thereof, is,

Firſt, That notwithſtanding 'twas by my Councel pleaded, that

that Justices in Sessions had no Power or Authority to inquire into, and judge upon Crimes relating to that Statute, which Plea was according to the Sentiments of many, if not most of the ablest Lawyers in *England*; yea, and of one of the Learned Counsel which pleaded against me, who but the Sessions before did with great strength of Law and Reason plead against the Jurisdiction of that Court, to try a Gentleman in the very same Circumstances, and that Mr. *Vincent* either was actually, or like to be discharged by Writ of Error upon the Plea, *viz.* That he was Tryed *Coram non Judice* (*i.e.* by Justices of the Peace in Sessions) that yet they would proceed to assume that Power to themselves, though to make me the first example which hath been in *England* upon this Statute for many years: and when my Counsel told them of how ill consequence it might be for them to proceed, in case upon a review it should prove, that they had not Authority so to do; this they were told was to Hector the Court.

Secondly, That notwithstanding the Statute (urged by my Counsel) of *Eliz.* 31. *chap.* 5. Paragr. 5. where 'tis expresly said, *That no Indictment shall lye upon any Penal Statute beyond two years, but if it be laid for a Crime beyond, it shall be void and of none effect; any Statute to the contrary notwithstanding:* And my Indictment appears to be laid for Crimes more then four years backwards (before the Indictment,) yet must it be allowed for Legal.

Thirdly, That whereas the Indictment chargeth me, that obstinately and willingly I refused to come to some Church or Chappel to hear Divine Service (wherein doubtless the Stress of the Act lyes) for a bare abstinence for four weeks another Law punishes but at four shillings; and being at a Conventicle, at five shillings, or ten at the most: but these punishes these two put together with Imprisonment, loss of the whole Estate, and perpetual Banishment or Death) therefore doubtless lyes the chief of the Crime upon obstinate refusing to come to Church; this my Counsel told them necessarily supposed some legal Premonition, *viz.* either by the Ordinary or Parson of the Parish, *&c.* but no such thing was attempted to be proved against me, and yet I must be found guilty of the whole Indictment.

Fourthly, They did moreover admit of so light a proof of the

the Conventicle, (which was one Essential Branch of the *indictment*,) in this weighty case, as would scarce have been admitted by a considering Justice of the Peace, to impose on the Offender the Penalty of Five Shillings, *viz.* One Person swears that he came into a certain house in the Castle where a Sermon was Preaching, and that I was there present; (whereas the Conventicle Act expresly requires two Witnesses to swear the Fact, if it be proved that way) and what is this to prove an unlawful Assembly, contrary to the Liturgy of the Church of *England*; to prove which as he ought, he should have been there from the beginning, and then he might have swore there was no Common-Prayer.

Fifthly, Though 'twas objected by Counsel, that I had been punished before for this Offence, (which was proved by a Copy of the Record produced in open Court, which shewed that I had been punished Ten Pound for this Conventicle, and the *Town-clark* also owned in open Court, that he had drawn this Indictment by that Record) yet expresly contrary to that clause of the 22. *Caroli Secundi Cap.* 1. *Par.* 14. which saith, *That any Person who shall be punished for any Offence by vertue of this Act, shall not be punished for the same Offence, by vertue of any other Act or Law whatsoever*; yet notwithstanding this Plea added to all the former in favour of my Cause, the Jury according to the instructions given them by Mr. *Town-clark*, bring me in guilty; whereupon I am immediately sentenced to Goal till Conformity, and making this following submission in the Church or open Court, *viz.* That

I A. B. Do humbly confess and acckowledge, that I have grievously offended God, in contemning his Majesties godly and lawful Government and Authority, by absenting my self from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm, and in using and frequenting disordered and unlawful Conventicles and Assemblies, under colour and pretence of exercise of Religion; and I am heartily sorry for the same, and do acknowledg and testify in my Conscience, that no other person hath or ought to have any power or authority over his Majesty. And I do promise and protest, without any dissimulation, or any colour and means of any dispensation, that from henceforth, I will from time to time obey and perform his Majesties Laws and Statutes, in re-

parirng to the Church, and in hearing Divine Service, and do my utmoſt endeavour to maintian and defend the ſame.

Neither doth the Wrath of mine Adverſaries ceaſe at my Impriſonment, but follows me ſtill, to bring me within the reach of the utmoſt Severity and Penalty of the ſaid Law. (*viz.* the loſs of my whole Eſtate, and Abjuration at the end of three Months) Whereupon within the three Months, *viz.* the 16*th* Day of *June*; I was by the Juſtices twice in one Day Summoned to Conform, and to make the above recited Submiſſion.

And to make this pinch the cloſer upon me, my chief Adverſary (being all this while in *London*) is uſing his utmoſt endeavours, to Obviate all Attempts made by my Friends, both in Reference to a Pardon, or Writ of Error. And ſo fearful is he leaſt a Writ of Error ſhould be obtained, and thereby his Acts of Injuſtice be expoſed to the World, that when he underſtood that through a juſt Report of my Cauſe, made by Mr. *Attorney General* to the King and Councel, a Writ was like to be granted: He takes a Coach on purpoſe, and rides away to *Hampton* Court, where the Councel was that day to ſit; and deſiring to be called in when the Report of my Cauſe was made, by Miſ-repreſenting my Perſon and Cauſe, procured a ſtop to be put to the Writ of Error. ----- Sometime after this, He returns for *Briſtol*, where he boaſts of his great Succeſs in hindring my Writ of Error; ſuppoſing that now he had me at his Mercy, and that I muſt come up to his Terms, or be undone. Therefore ſends me word, that except I would ſubſcribe to a Petition, acknowledging that I had been legally Convicted, there was no pardon or Writ of Error to be procured: but in Caſe I would do that, he would not Obſtruct but promote it.

This I refuſed to do, as judging that ſeveral illegalities had been acted in Proceedings againſt me. At length, about the 8*th* of this inſtant *Auguſt*, a good friend of mine came unexſpectedly to Town, who coming to viſit me in *Newgate*, and Commiſerating my Condition, reſolved to diſcourſe Mr. *Town Clark* about me, which he accordingly did. The *Town Clark* after much Diſcourſe, and many Complaints, told him what kind offers he made me, and that I was ſo ſtout, I would not Petition the King; my Friend told him, he did dare to ingage for the contrary, and undertook to draw a Petition which

which both of us ſhould like, which accordingly he did, and delivered it to the *Town Clark*, who with his own Pen altered ſeveral things, by Addition and Subſtraction. Agreeing, that if a Petition according to this model were conſented to, then he would prefer the ſaid Petition, either to procure a Pardon, or a Writ of Error. I conſented to the ſame, and cauſed it to be new drawn and prepared for him, when my Friend went out of Town, the *Town Clark* promiſed all Aid and Diſpatch, according to theſe Terms. The Perſon who new drew the Petition acquainted him that the Petion was drawn; which Petition was as follows.

To the Kings moſt Excellent Majeſty.

The Humble Petition of *Ichabod Chauncy* Phyſitian, Priſoner in the Priſon of *Newgate*, in Your Majeſties City and County of *Briſtol*.

Moſt Humbly Sheweth,

THat at a Seſſions held for the ſaid City and County, on the 9th Day of April *laſt paſt*; Your Petitioner was Co. v cted upon the Statute made the 35th of Eliz. Entitul d, An Act to retain Her Majeſties Subjects in their due Obedience. That your Petitioner is adviſed, that th Court of Seſſions has no Juriſdiction in that Cauſe. And alſo, that the Fact ought to be drawn in Queſtion within two years; which in this Caſe was not for the ſpace of four Tears and more. But notwithſtanding your Petitioner is Impriſoned, and is lyable to abjure Your Majeſties Realms and Dominions, and loſe his R al and Perſonal Eſtate; unleſs he Conform to the Lyturgy of the Church of England That Your Petitioner hath endeavoured to ſatisfie himſelf in ſuch Conformity, yet cannot. But hath always in all other matters behaved himſelf as a Loyal Subject to Your Majeſty, and ſhall always ſo do, if Your Majeſty will be pleaſed to extend Your Grace to him, ſo as to continue him Your Subject. These two Clauſes he added with his own Pen.

That Your Petitioner hath always been, and is ready to give Aſſurance of his Fidelity to your Majeſty and Government, by taking the Oaths of Allegiance and Supremacy, and is willing to leave his

Habitation in the said City of Bristol, *if that be Your Majesties Pleasure.*

Your Petitioner most Humbly prays, That your Majesty would be graciously pleased either to grant Your Majesties gratious Pardon, or to give leave that your Petitioner may bring a Writ of Error to Reverse the said Proceedings against him.

And Your Petitioner (as in Duty bound) shall ever Pray, *&c.*

He required these Terms before he would promise any Assistance which I thought better to yield unto, then to lye in a nasty Goal.

When he heard the Petition was ready, he seemed to demur, and to signify that something else must be done by me, before he could prefer or promote it; and accordingly the next Day sends me this following Letter.

Doctor Chauncy,

I have of late been desired by some friends of yours, to be kind in assisting your Inlargement; but not without a sting in the Tayl, as if my malice to you, had been the single reason of your Confinement, without any sence of your Offence to the Law in that particular, or the fair Tryal and other legal Proceedings that you had for it, or any reluctancy for your often daring, and defyance of the Governours of this City, as often as you were called before them: In the first place, I call God to witness, I never had any malice against you; nor had I any motive so considerable to induce me to your Prosecution (that is the share I had in it) but the Apprehension that your Inclinations were devoted against, and your Interest very dangerous to the Kings Interest here; besides those many Arguments, I have of your particular prejudice against me for the sake of my Office; *and endeavours to supplant me even in that. This I don't lay to your charge. But if you will do any thing to give satisfaction of your behaviour for the future to the Kings Service: I will be so far from opposing your inlargement, that I will do what you never had Religion nor good nature enough to think on, which is, I will use my small endeavour to promote it.*

Sure he for got that he had before assented to my Loyalty asserted in my Petition.

He had now forgot that I was a chief instrument to help him into his Office. For which I have been often enough reproached since.

Your Servant

John Romsey.

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One that reads this Letter, and knows not the Gentleman, would imagine him a perſon intirely devoted to his Majeſties Intereſt, as if that were the Pole-Star by which he ſayles in the management of all his actions. How ſincere he may be in his affections to it, I'll not undertake to cenſure; but *I* believe very many (and thoſe not Diſſenters) do queſtion his judgement in Proſecuting thereof; as judging that diſcouraging the chief Traders of this City, by ſevere Proſecutions, on Penal Laws, too heavy Fines and Impriſonments, whereby ſome are forced to quit the City; and others to withdraw themſelves from Trade, that they may live retiredly; are very unintelligible methods to promote the ſame. Whether *by* this means the Trade of this ſometime flouriſhing City hath not been greatly abated, to his Majeſties great detriment, needs no other proof then comparing the Kings Cuſtoms in this Port ſince theſe things began, with what they were before: Which, if I am not greatly misinformed fall ſhort ſome years 20000 *l. per Annum* of what they were before; I verily believe did this Gentleman find by this management of Affairs, his own Intereſt did ſuffer proportionably, he would ſoon change his meaſures. But theſe things bring Griſts to his Mill.

Well as to the Letter the perſon to whom he ſent it, to convey it to me, writes me word after this manner.

SIR,

Mr. Townclark *hath ſent the encloſed, and expects your anſwer, I perceive if he like not your anſwer, he'l hinder your Pardon and Writ of Error.*

Whereupon I ſent him the following Anſwer, which I thought as modeſt as the matter would bear.

SIR,

That any of my Friends have been uſing endeavours for my Inlargement, I eſteem as matter of great obligation, they proceeding chiefly from their own good will towards me; what expreſſions they uſed, (as of Malice being the ſingle Reaſon of Proceedings againſt me,) I know not, neither had they any ſuch Advice from me; but if they ſaid that there was more than a little mixture of Prejudice therein, I believe they are not ſingle in their Sentiments; and whether

Habitation in the ſaid City of Briſtol, *if that be Your Majeſties Pleaſure.*

Your Petitioner moſt Humbly prays, That your Majeſty would be graciouſly pleaſed either to grant Your Majeſties gratious Pardon, or to give leave that your Petitioner may bring a Writ of Error to Reverſe the ſaid Proceedings againſt him.

And Your Petitioner (as in Duty bound) ſhall ever Pray, *&c.*

He required theſe Terms before he would promiſe any Aſſiſtance which I thought better to yield unto, then to lye in a naſty Goal.

When he heard the Petition was ready, he ſeemed to demur, and to ſignify that ſomething elſe muſt be done by me, before he could prefer or promote it; and accordingly the next Day ſends me this following Letter.

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I have of late been deſired by ſome friends of yours, to be kind in aſſiſting your Inlargement; but not without a ſting in the Tayl, as if my malice to you, had been the ſingle reaſon of your Confinement, without any ſence of your Offence to the Law in that particular, or the fair Tryal and other legal Proceedings that you had for it, or any reluctancy for your often daring, and defyance of the Governours of this City, as often as you were called before them: In the firſt place, I call God to witneſs, I never had any malice againſt you; nor had I any motive ſo conſiderable to induce me to your Proſecution (that is the ſhare I had in it) but the Apprehenſion that your Inclinations were devoted againſt, and your Intereſt very dangerous to the Kings Intereſt here; beſides thoſe many Arguments, I have of your particular prejudice againſt me for the ſake of my Office; *and endeavours to ſupplant me even in that. This I don't lay to your charge. But if you will do any thing to give ſatisfaction of your behaviour for the future to the Kings Service: I will be ſo far from oppoſing your inlargement, that I will do what you never had Religion nor good nature enough to think on, which is, I will uſe my ſmall endeavour to promote it.*

Sure he for got that he had before aſſented to my Loyalty aſſerted in my Petition.

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John Romſey.

One

One that reads this Letter, and knows not the Gentleman, would imagine him a perſon intirely devoted to his Majeſties Intereſt, as if that were the Pole-Star by which he ſayles in the management of all his actions. How ſincere he may be in his affections to it, I'll not undertake to cenſure; but *I* believe very many (and thoſe not Diſſenters) do queſtion his judgement in Proſecuting thereof; as judging that diſcouraging the chief Traders of this City, by ſevere Proſecutions, on Penal Laws, too heavy Fines and Impriſonments, whereby ſome are forced to quit the City; and others to withdraw themſelves from Trade, that they may live retiredly; are very unintelligible methods to promote the ſame. Whether *by* this means the Trade of this ſometime flouriſhing City hath not been greatly abated, to his Majeſties great detriment, needs no other proof then comparing the Kings Cuſtoms in this Port ſince theſe things began, with what they were before: Which, if I am not greatly misinformed fall ſhort ſome years 20000 *l. per Annum* of what they were before; I verily believe did this Gentleman find by this management of Affairs, his own Intereſt did ſuffer proportionably, he would ſoon change his meaſures. But theſe things bring Griſts to his Mill.

Well as to the Letter the perſon to whom he ſent it, to convey it to me, writes me word after this manner.

SIR,

Mr. Townclark *hath ſent the encloſed, and expects your anſwer, I perceive if he like not your anſwer, he'l hinder your Pardon and Writ of Error.*

Whereupon I ſent him the following Anſwer, which I thought as modeſt as the matter would bear.

SIR,

That any of my Friends have been uſing endeavours for my Inlargement, I eſteem as matter of great obligation, they proceeding chiefly from their own good will towards me; what expreſſions they uſed, (as of Malice being the ſingle Reaſon of Proceedings againſt me,) I know not, neither had they any ſuch Advice from me; but if they ſaid that there was more than a little mixture of Prejudice therein, I believe they are not ſingle in their Sentiments; and whether

ther divers Passages in the Management of my Prosecution gave not Suspicion of such a thing, I leave you to judge: But you call God to Witness of the contrary, therefore all Arguments of that sort, must vanish; my often defyance and daring Carriage towards the Governours of this City, whensoever called before them, (wherewith you charge me) hath been observed (for ought I know) by none but your self. How fair my Tryal was, and how Legal the Proceedings against me have been, is fitter for more indifferent Persons to judge, then either Mr. Rumley, *or my self. And therefore I desired a Writ of Error, which (I am told) you Obstructed. Your Apprehensions that my Inclinations were devoted against, and my Interest dangerous to the Kings Interest here, were altogether groundless; for neither word or deed of mine have ever signified any such inclinations; if they have,* alledge them against me. *Your Apprehensions of my prejudice against you for the sake of your Office, are as groundless as the former; whatever I said or did (which you judge was with a design to supplant you) was to your face, and that which you acknowledged true in my hearing. As to the latter clause wherein you expect I should give satisfaction of my behaviour for the future, I know not what you mean by it; you know in my Petion, I declare my self ready to take the Oaths of Allegiance and Supremacy, which I think are the highest obligations of fidelity any honest man can lay himself under; and as little Religion as I may be thought to have, when once I have taken them, shall look upon my self more bound thereby, then by all pecuniary obligations. Sir, if you think fit (upon your own Proposals) to prefer the Petition to which you agreed, and to use your interest toward my inlargement, you may be sure it shall be thankfully acknowledged by*

He kenw nothing to alledge, when he agreed to the Petition.

Your Friend and Servant.

J. Ch.

He had no sooner received this answer, but the very same day, *viz. Aug.* 15. after I had suffered eighteen weeks close Imprisonment in a nasty Goal, (it being an adjourned Sessions) sends for me to Court. Being called to abjure, I craved leave to give some reasons to the Court why they could not legally call me to it; and that

First, Besause 'twould be contrary to an expres Statute in

their

their own ſence. For upon my Tryal, when my Counſel objected that my Indictment was void, as being laid for a Crime committed above four years before, whereas the Statute of *Eliz.* 31. ſaith, *That no Indictment upon any Penal Statute ſhall be of force that calls in queſtion a Fact beyond two years*] 'Twas then anſwered, that that Law did extend only to thoſe Penal Statutes which did impoſe Pecuniary Puniſhments limited to the King, and not Corporal Puniſhments: Now if they made me abjure, I ſhould then forfeit my Eſtate by the ſame Indictment; contrary to the Law in their own ſenſe.

Secondly, According to this Statute of the 35th, before abjuration, I ought to have been Summoned thereto by a Juſtice of the Peace, which yet I had not been.

Thirdly, That they had Convicted me as as a Recuſant, and the ſame Statute ſaith, *That no Popiſh Recuſant ſhould be required to abjure by vertue of that Act*; they replyed that I was not Convicted as a Popiſh Recuſant. I told them I thought that if they did not find in any Statute mention of Proteſtant Recuſants, then it muſt be ſuppoſed that (*Coram Lege*) all Recuſants were Popiſh. But all theſe Pleas being over-ruled, I was forced to abjure. The Juſtices appointed me within three Months to depart from the Port of *Briſtol*.

I do deſire to aſſign me *London* or *Harwich* but they refuſed both

Now having abjured, one would think the Penalties I had already ſuſtained, *viz.* the loſs of a very conſiderable Practice, eighteen weeks cloſe Impriſonment, the forfeiture of my whole Eſtate both perſonal and real; Baniſhment from all the Kings Dominions for ever might have ſurfeited the moſt exalted malice; but as though the Law on which *I* am Proſecuted had not been ſevere enough, before *I* depart the Kingdom, *I* muſt be further ſtigmatized by a kind of Remonſtrance preferred to the GrandJury at our General Goal Delivery, which was about five days after my abjuration; The Paper our *T. Cl.* preſents to the Grand Jury, contained ſuch black Characters and high Charges againſt me, that they abſolutely refuſed to ſubſcribe it. Upon which refuſal many hard words of diſpleaſure paſſed from him to the Grand Jury. Whereupon they were deſired to draw up ſuch a Paper as they would ſubſcribe, concerning me; and accordingly, to gratify his importunity, they produced this following Declaration.

We

We whose Names are hereunto Subscribed, being the Grand Jurors for the Body of the City and County of Bristol, *in the Court of* Oyer *and* Terminer, *and General Goal-Delivery, holden the 20th of* August, 1684. *Do in the Names as well of Our Selves, as of all His Majesties Faithful and Loyal Subjects within this City, return Our most Hearty Thanks to this Court, and all others concerned in the Prosecution against* Ichabod Chauncy, (*late of this City*) *upon the Statute of* 35. Eliz. *for that to Our Knowledge during the time of his abode in this City,* (*which hath been for some Years*) *he hath been a great Zealot for the Factious Party, and by Reason of his Employment of Practising Physick; We have Reason to believe that he hath had very Advantagious Success, in gaining to their Cause, and Cherishing in it, very great Numbers of Proselytes. He was their Champion to fight out the Battels of that Party, whensoever it came in Question before Our Magistrates; by which means, though he got of them the Character of a stout Combatant, yet by the Magistrates of the City, he was still Reputed a sawcy Criminal. And this hath not only induced them and us, but may also every one that may come to the Knowledge of it, to be of the same mind, when they consider that he hath not only impudence to menace the deliberate, just, and temperate Proceedings of this Court, with a Libel; But also, to part from it with an Imprecation against it. And We do therefore Declare to this Court, and to all the World, That it is Our Opinion, that the Proceedings against Him, to the Abjuration of the Realm, was not only fair in all the Particulars thereof, but of absolute necessity, for the quiet and peaceable Government of this City, and for His Majesties Service.*

The plain Design of which in general, is partly to help Dun out of the Mire, by justifying the *Town-clark* in all his Proceedings against me; to load me with a Charge of such heavy Crimes, as may dash any Hopes of a Pardon, and blast my Reputation for the future, wheresoever I may go hereafter. Wherefore, I think all men would count me very unjust to my self, should I not endeavour to wipe of those grievous Scandals, which this Remonstrance hath unjustly cast upon me; which if not Answered, will for the future destroy my Credit, and so

so may undo both my self and Family: And therefore cannot but make a few Remarks upon it.

First they say, *That in the Names as well of Our Selves as of all His Majesties Faithful and Loyal Subjects within this City, We return Our most Hearty Thanks to this Court, and all others concerned in the Prosecution against* Ichabod Chauncy, *upon the Statute of* 35 Eliz.] There are 1000 (besides Dissenters) in *Bristol* (and about it) that will neither concur with you in, nor thank you for your Thanks.

For that to Our Knowledge he hath been a great Zealot for the Factious Party.] 'Tis no new thing to have the best of men so Reputed, *Act.* 24. 5.

We have Reason to believe, by Reason of his Employment, he hath had very advantagious Success, in gaining to their Cause;] I verily believe there is not one Dissenter the more for me in *England.* (Unless my severe Prosecution have made some.) Neither can they name one (of those many Numbers of Proselytes which they say, I have made and cherished) that I ever solicited to forsake the Church.

He was their Champion to fight out the Battels of that Party, whensoever it came in Question before Our Magistrates.] I was never before the Magistrates of that City, but when forced to it, and that in my own Cause, except once to vindicate my Wife, who was near five of the Clock in the Afternoon on a Sabbath Day, taken up in the Streets, and sent to *Bridewel*; as supposing she was coming from a Conventicle.

By which means he got of them the Character of a stout Combatant.] I never till now thought my Reputation had been so great among them for Valour.

Yet by the Magiſtrates of the City, he was ſtill Reputed a very ſawcy Criminal.] If the Magiſtrates had ſo ill an Opinion of him, 'tis ſtrange they ſhould almoſt all ſo far Encourage him, as to make uſe of him, for a Phyſician to themſelves or Relations.

When they Conſider, that he hath not only Impudence to menace the deliberate, juſt, and temperate Proceedings of this Court with a Libel.] Produce any Perſon that ever heard me ſo menace the Court, and I'll be content to ſuffer the Puniſhment of a Libeller.

But alſo to part from it with an Imprecation againſt it.] The Words wherewith I parted from the Court were theſe: Mr. *Town-clark*, you have now had a full ſtroak at me; all the harm I wiſh you, is, that God may not have as full a ſtroak at you Living or Dying. If this be an Imprecation, let the World judge. Methinks ſome one in the Grand Jury, ſhould have known the juſt difference between a Deprecation, and an Imprecation.

Againſt it.] The words were by name directed to the *Town-clark*, and I never thought (till now) that the *Town-clark* had been the Court.

We Declare therefore, That 'tis Our Opinion, that the Proceedings againſt him, to the Abjuration of the Realm, was not only fair in all the Particulars of it] Sure now the *Town-clark* will be confirmed in his Opinion, that there is no need of a Writ of Error, ſince he hath the Opinion of the Grand Jury in Favour of all his Proceedings. But who beſides him, did ever value the Opinion of Grand Juries, in matters of Law?

But of abſolute neceſſity for the quiet and peaceable Government of this City;] Is he any whit altered from what he was formerly? If not! How came the City to be peaceably Governed while he was in it near eighteen years together.

And

And for his Majesties Service,] His Majesty is only then served, when his just Laws are Executed, and not when His Subjects by Arbitrary Proceedings of his Ministers are Oppressed.

Thus I have given a true and impartial Account, of my present Case: The main Design whereof, is not to cast any undue Reflections on the Law, or the King and his Government; but to inform the World, that I am not the Turbulent, disaffected, and disloyal Person, which my Adversaries have Represented me to be; and that my Cause was not managed with so much Evidence and Impartiallity, but that there was and is a just ground for me to expect (as a matter of right) a Writ of Error. But if after all this, I shall still be denyed from men, either wilfully, or through Prejudice and Misinformation, that which I judge to be my Right, I'll commit my Cause to Him that judgeth Righteously.

FINIS.